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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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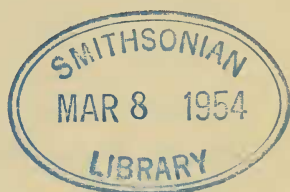
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 203

Validation, under the Plenary Powers, of the specific name *vulgaris* Schmeil, 1897, as published in the combination *Diaptomus vulgaris* (Class Crustacea, Order Copepoda)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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OPINION 203

VALIDATION, UNDER THE PLENARY POWERS, OF THE
SPECIFIC NAME "VULGARIS" SCHMEIL, 1897,
AS PUBLISHED IN THE COMBINATION
"DIAPTOMUS VULGARIS" (CLASS
CRUSTACEA, ORDER COPEPODA)

RULING :—(1) Under the Plenary Powers (a) the specific name *coeruleus* Müller (O.F.), 1776, as published in the combination *Cyclops coeruleus*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy, and (b) the specific name *vulgaris* Schmeil, 1897, as published in the combination *Diaptomus vulgaris*, is validated for the species of the Order Copepoda (Class Crustacea) so named. (2) The specific name *vulgaris* Schmeil, 1897, as published in the combination *Diaptomus vulgaris*, is hereby placed on the *Official List of Specific Names in Zoology* as Name No. 8. (3) The specific name *coeruleus* Müller (O.F.), 1776, as published in the combination *Cyclops coeruleus*, as suppressed, under the Plenary Powers, under (1) above, is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* as Name No. 8.

I.—THE STATEMENT OF THE CASE

On 30th April 1929, the late Mr. Robert Gurney (*Oxford*) submitted the following application to the International Commission on Zoological Nomenclature :—

ON THE QUESTION OF THE OLDEST AVAILABLE
TRIVIAL NAME FOR THE SPECIES RENAMED
DIAPTOMUS VULGARIS BY SCHMEIL IN 1897
(CLASS CRUSTACEA, ORDER COPEPODA)

By ROBERT GURNEY

(*Oxford*)

(Commission's reference Z.N.(S.) 8)

In 1853 (*Bull. Soc. imp. Nat. Moscou* 26 (No. 1) : 75) Fischer

published a description under the name *Cyclopsina coerulea* and gave, *inter alia*, as synonym *Cyclops coeruleus* O. F. Müller, 1785.¹

Fischer's name was adopted by Richard, Schmeil and many other authors for a species of the genus *Diaptomus* Westwood, 1836, in Partington, *Brit. Cyclop.* 2 : 228. This species was very fully described by Schmeil in 1896 (*Bibliotheca zool.* 21 : 59). Later (1897, *ibid.* 21 : 168) Schmeil replaced the name used by Fischer, proposing the name *Diaptomus vulgaris* on the ground that Müller's species is unrecognisable. Schmeil stated : "Da Fischer seine *Cyclopsina coerulea* mit dem vollkommen unsicheren *Cyclops coeruleus* Müller identifizierte, so musste ich leider—um den für die Mitarbeiter am "Tierreich" massgebenden "Regeln" etc. gerecht zu werden—diese Art neu benennen."

Schmeil's new name has been generally, but not universally, adopted.

Now Schmeil's action seems hardly permissible. It would be correct if it could be shown that Fischer was wrong in his identification ; but it just as probable that he was right as wrong—it is impossible to say.

On the other hand, if Schmeil's name should be dropped, what would be the correct name ? *Diaptomus coeruleus* (O. F. Müller) or *Diaptomus coeruleus* (Fischer) ? It can hardly be the former, since Müller's species is unrecognisable, and I consider that no author's name should attach to a species unless he has given an adequate description. On the other hand, *Diaptomus coeruleus* Fischer might be invalidated by the rules.

On the whole, it would be more convenient to uphold Schmeil's name *vulgaris*, even if it is not strictly correct.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. After himself having conducted certain preliminary investigations into certain bibliographical aspects of this case, the then Secretary to the Commission (the late Dr. C. W. Stiles) on 3rd January 1930 invited Miss Mary Rathbun (*United States National Museum, Washington, D.C., U.S.A.*) to express her opinion on the proposal submitted by Mr. Gurney. After an exchange of correspondence Dr. Stiles agreed to expand his request to form an invitation to Miss Rathbun and Dr. C. Dwight Marsh to furnish a joint statement of their views. This joint

¹ This date is incorrect, this name having been published in 1776 (*Zool. dan. Prodr.* : 200)

statement was furnished in the following letter from Miss Rathbun dated 25th February 1931 :—

Dr. C. Dwight Marsh has passed on the question raised by Mr. Gurney, and both he and I are in agreement to that *Diaptomus vulgaris* Schmeil is the correct usage.

3. In March 1935 Mr. Gurney's application, with the comment furnished by Miss Rathbun and Dr. Dwight Marsh, was submitted to the International Commission in Circular Letter 304.

4. In a letter dated 18th July 1935 Professor Rudolf Richter (*Senckenbergische Naturforschende Gesellschaft, Frankfurt a.M., Germany*) wrote the following letter on behalf of himself and Dr. Robert Mertens of the same Institution :—

Einen Namen *Cyclopsina coerulea* Fischer, 1853, gibt es nicht, da Fischer keine neue Art *coerulea* aufstellen wollte, sondern nur die Art *Cyclops coeruleus* Müller, 1785, in neue Verbindung mit dem Gattungsnamen *Cyclopsina* gebracht hat. Dieser Teil der Anfrage des Herrn Gurney is dadurch beantwortet.

Solange nicht Gründe dafür aufgezeigt werden, aus denen hervorgehe, dass Fischer's Identifizierung seines Materials mit Müller's Art falsch ist, muss angenommen werden, dass sie richtig ist. Es ist nicht bewiesen, dass er sich nicht durch Untersuchung von Typen oder Topotypen Unterlagen für seine Meinung geschaffen hat. Es wäre also ein Akt der Willkür, auf Grund einer Behauptung ohne Gründe die Identifizierung von Fischer als falsch zu bezeichnen und daraufhin den Namen *coeruleus* Müller, 1785, in der Auslegung von Fischer, 1853, zu streichen. Der Name *Diaptomus coeruleus* (Müller, 1785²) besteht demnach zu recht.

Wenn aber die Fachleute aus Gründen der Zweckmässigkeit den Namen *Diaptomus vulgaris* Schmeil, 1897, vorziehen, so würde die Kommission gut tun, diesen Namen durch Suspension der Regeln für gültig zu erklären.

5. This case was not included in the Agenda for the Session of the International Commission held in Lisbon in 1935 and no further action had been taken in regard to it at the time when, following the election of Mr. Francis Hemming to be Secretary to the International Commission, the papers relating to this and other current cases were transferred to his care in 1938. On the reorganisation of the Secretariat this case was then given the Registered Number Z.N.(S.)8. It had not been found possible

² For the correction of this date, see footnote ¹.

to make any further progress with this case when in September 1939 the records of the Commission were evacuated from London to the country as a precaution against the risk of destruction through air raids. The Secretariat in London was re-opened in 1942 and steps were immediately taken to establish the *Bulletin of Zoological Nomenclature* as a means for bringing to the attention of zoologists applications submitted to the International Commission for decision. Work was at once started on outstanding applications with a view to arranging for their publication in the newly established *Bulletin*. After an exchange of correspondence between the Secretary and Mr. Gurney, the terms of the present application were finally settled on 15th August 1944. This application was sent to the printer in September 1944, but, owing to paper rationing, shortage of labour at the printing works and similar causes it was not until 26th June 1946 that it was actually published.

6. At the time of the final consultation between the Secretary and Mr. Gurney just before the present application was sent to the printer, Mr. Gurney furnished a supplementary note which he asked should be added to his application, in order to bring that application up to date in certain respects. This note, which was dated 15th August 1944, was accordingly annexed to the original application and the two published together. This supplementary note was as follows :—

Supplementary note by Mr. R. Gurney :—

Since the foregoing case was submitted to the Commission, the question at issue has been discussed by Rylov (1930, *Zool. Anz.* 88 : 111) and by myself (1931, *British Fresh-Water Copepoda* 1 : 158). Rylov claims to have rediscovered Fischer's species, which he finds to be specifically the same as that described by Schmeil, though differing in some details which might permit of the latter being regarded as a variety or subspecies. He therefore adopts the name *Diaptomus coeruleus* Fischer. I, on the other hand, have used the name *Diaptomus vulgaris* Schmeil on the ground that no ambiguity attaches to it, whereas *Diaptomus coeruleus* can only be used, according to the rules, with Müller's name as author, although we do not know and never can know what species Müller had before him.

7. At Paris in 1948 the International Commission on Zoological Nomenclature suspended its By-Laws for the duration of that

Session (1950, *Bull. zool. Nomencl.* 4 : 7—8), and it was in virtue of that decision that the present case was brought before the Commission later during that Session.

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. The present application was considered by the International Commission on Zoological Nomenclature at the Thirteenth Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948, at 17.30 hours. The following is an extract from the portion of the Official Record of the Proceedings of the International Commission setting out the decision reached by it in regard to this case at the foregoing meeting (Paris Session, 13th Meeting, Conclusion 20) (1950, *Bull. zool. Nomencl.* 4 : 375—377) :—

THE COMMISSION agreed :—

(1) to use their Plenary Powers :—

(a) to suppress the trivial name *coerulus* Müller (O.F.), 1785³ (as published in the binominal combination *Cyclops coeruleus*) for the purposes of Article 25, but not for those of Article 35 ;

(b) to validate the trivial name *vulgaris* Schmeil, 1897 (as published in the binominal combination *Diaptomus vulgaris*) for the species of the Order Copepoda (Class Crustacea) so named ;

(2) to put the trivial name *vulgaris* Schmeil, 1897 (as published in the binominal combination *Diaptomus vulgaris*) on the *Official List of Specific Trivial Names in Zoology* and the trivial name *coeruleus* Müller (O.F.), 1785³ (as published in the binominal combination

³ For the correction of this date see footnote ¹.

Cyclops coeruleus) on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology* ;

- (3) to render an *Opinion* recording the decisions specified in (1) and (2) above.

9. The following are the original references for the names which appear in the decision set out in the immediately preceding paragraph :—

coeruleus, *Cyclops*, Müller (O.F.), 1776, *Zool. dan. Prodr.* : 200
vulgaris, *Diaptomus*, Schmeil, 1897, *Biblioth. zool.* **21** : 168

10. The decision taken in the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth International Congress of Zoology, Paris, 1948, at its Fifth Meeting held on 26th July 1948 (1950, *Bull. zool. Nomencl.* **5** : 106).

11. The Ruling given in the present *Opinion* was concurred in by the sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

12. The Ruling given in the present *Opinion* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

13. At the time of the adoption of the Ruling given in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression “ trivial name ” and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word “ trivial ” appearing also in the title of the *Official Index* reserved for recording rejected and

invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.* : 21). The changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

14. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

15. The present *Opinion* shall be known as *Opinion* Two Hundred and Three (203) of the International Commission on Zoological Nomenclature.

DONE in London this Seventeenth day of November, Nineteen Hundred and Fifty-Three.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

